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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/610,955	07/01/2003	David Myr	MAK-104US	5768

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EXAMINER	
VIG, NARESH	
ART UNIT	**PAPER NUMBER**
3629	
MAIL DATE	**DELIVERY MODE**
12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/610,955	MYR, DAVID	
	Examiner	Art Unit	
	Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is in reference to communication received 04 October 2007. Claims 1 – 12 are pending for examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention is useful for determining appraisal values of a property, however, it does not produce concrete results because for a user to use applicant's claimed invention, the user is required to program the computer system to generate the result they desire. After the user has programmed the computer, applicant's claimed invention is display the result of the appraisal value to the user. Two user using applicant's invention can program the device differently which will produce different results even when they use the same data of influence factors and range of influence factor.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 – 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 1 and 12, applicant added the limitation "performing nonlinear programming with a predetermined nonlinear objective function" which is not supported by the disclosure originally filed 01 July 2003.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 12 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite because it is not clear whether performing of nonlinear programming is actually programming the computer, or, it is inputting of property related data in the computer which is already has nonlinear program.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. In lines 5 - 9, applicant recites the limitation a calculator for 1) performing nonlinear programming with a predetermined nonlinear objective function that uses each of the different types of appraisal approaches according to the stored influence factors and the range of stored influence factor values and 2) determining an optimal range of appraisal values for the real estate property from the performed nonlinear programming according to each of the different types of appraisal approaches; As currently claimed, it is not clear whether calculator performs limitations as recited, or, it is applicant's intention on how the calculator will be used.

Response to Arguments

Applicant's arguments and concerns are for amended claims which have been responded to in response to amended claims.

Claim Rejections - 35 USC § 103

Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins US Publication 2001/0039506 in view of Modern Real Estate Practice by Galaty et al. hereinafter known as Galaty.

Regarding claims 1 and 12, as best understood by examiner, Robbins teaches computer related method for appraising a real estate property. Robbins does not explicitly teach using all three sales comparison approach, an income capitalization approach and a cost approach as different types of appraisal approaches. However, Robbins teaches that In determining the market value of a subject property an appraiser generally considers three separate approaches to value; the Cost Approach, the Income Approach, and the Sales Comparison Approach [Robbins, 0080]. Galaty teaches that appraisers use three basic valuation techniques: the sales comparison approach, the cost approach and the income approach as checks against each other for narrowing the range within which the final estimate of value falls [Galaty, page 304, last paragraph].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robbins with teachings of Galaty and generate appraisal using sales comparison approach, the cost approach and the income approach to make the appraisal more useful by checking valuations from different approaches against each other for narrowing the range within which the final estimate of value falls.

Robbins in view of Galaty teaches capability for:

Storing influence factors and a range of influence factor values for each of different types of appraisal approaches [Galaty, page 313; Robbins, [0032], claim 56]

performing nonlinear programming with a predetermined nonlinear objective function that uses each of the different types of appraisal approaches according to the stored influence factors and the range of influence factor values:

providing signals indicative of an optimal range of appraisal values for the real estate property from the performed nonlinear programming according to each of the different types of appraisal approaches [Galaty, page 305-313].

Presenting on output means providing signals indicative of an optimal range of appraisal values for the real estate property on output means [Galaty, page 133; Robbins, claim 56];

Regarding claim 2, as best understood by examiner, Robbins in view of Galaty teaches capability for optimizing the stored range of influence factors values of each of the different types of appraisal approaches.

Regarding claim 3, as best understood by examiner, Robbins in view of Galaty teaches capability for eliminating all discrepancies or outliers of the stored influence factors.

Regarding claim 4, as best understood by examiner, Robbins in view of Galaty teaches capability for obtaining a respective optimal range of appraisal values for each of the different types of appraisal approaches.

Regarding claim 5, as best understood by examiner, Robbins in view of Galaty teaches capability for performing a feasibility study to determine whether the optimal

range of appraisal values meets predetermined economic return requirements for the real estate property.

Regarding claim 6, as best understood by examiner, Robbins in view of Galaty teaches capability for performing a sensitivity analysis using the stored influenced factors for each of the different types of appraisal approaches together to determine a sensitivity of the optimal range of appraisal values to changes in each of the stored influence factors.

Regarding claim 7, as best understood by examiner, Robbins in view of Galaty teaches capability to reconcile the optimal ranges of appraisal values for each of the different types of appraisal approaches.

Regarding claim 8, as best understood by examiner, Robbins in view of Galaty teaches capability to search for combinations of the stored influenced factors that automatically produce a same optimal value as for the influence factors stored individually

Regarding claim 9, as best understood by examiner, Robbins in view of Galaty teaches capability for performing a highest and best use analysis to determine a financial feasibility criteria for each separate use;

Regarding claim 10, as best understood by examiner, Robbins in view of Galaty teaches capability wherein the predetermined nonlinear objective function uses project periods that are considered in one of the different types of appraisal approaches

Regarding claim 11, as best understood by examiner, Robbins in view of Galaty teaches capability for calculating different capitalization rates that are considered in one of the different types of appraisal approaches.

Conclusion

Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action.Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Naresh Vig
Examiner
Art Unit 3629

21 December 2007